



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

June 3, 2014

Rick Stevens, District Ranger
Western Divide RD, Sequoia NF
32588 Highway 190
Springville, CA 93265

Subject: Draft Environmental Impact Statement for the Tule River Reservation Protection Project, Tulare County, California. (CEQ# 20140128)

Dear Mr. Stevens:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the Tule River Reservation Protection Project, Tulare County, California. Our review is provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The project location is adjacent to the Tule River Indian Reservation, which holds significant importance historically, culturally, and spiritually to the Tule River Indian Tribe. EPA supports implementation of the project as soon as possible to protect life and property in the Tule River Indian Reservation from catastrophic wildfire that could potentially spread from the Sequoia National Forest onto the Tule River Indian Reservation. We recognize that Tribal Consultation is an important component of the decision-making process associated with this project. As such the Forest Service should continue consultation throughout the NEPA process with all potentially affected tribal governments. We recommend the results of consultations with tribal governments and with the Tribal Historic Preservation Office/State Historic Preservation Office be included in the Final Environmental Impact Statement.

EPA commends the Forest Service for limiting operations during Condor activity, which will avoid direct adverse impacts to the species. We also support the best management practices and resource protection measures included in the project design such as mitigation measures to protect water quality. For these reasons, we have rated the DEIS and Preferred Alternative 3 as Lack of Objections—LO (see enclosed "Summary of Rating Definitions").

EPA appreciates the opportunity to review this DEIS. When the FEIS is released, please send one hard copy and one CD to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or have your staff contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3852 or Munson.James@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Mulvihill for".

Kathleen Martyn Goforth, Manager
Environmental Review Section
Enforcement Division

Enclosure: Summary of the EPA Rating System

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.